

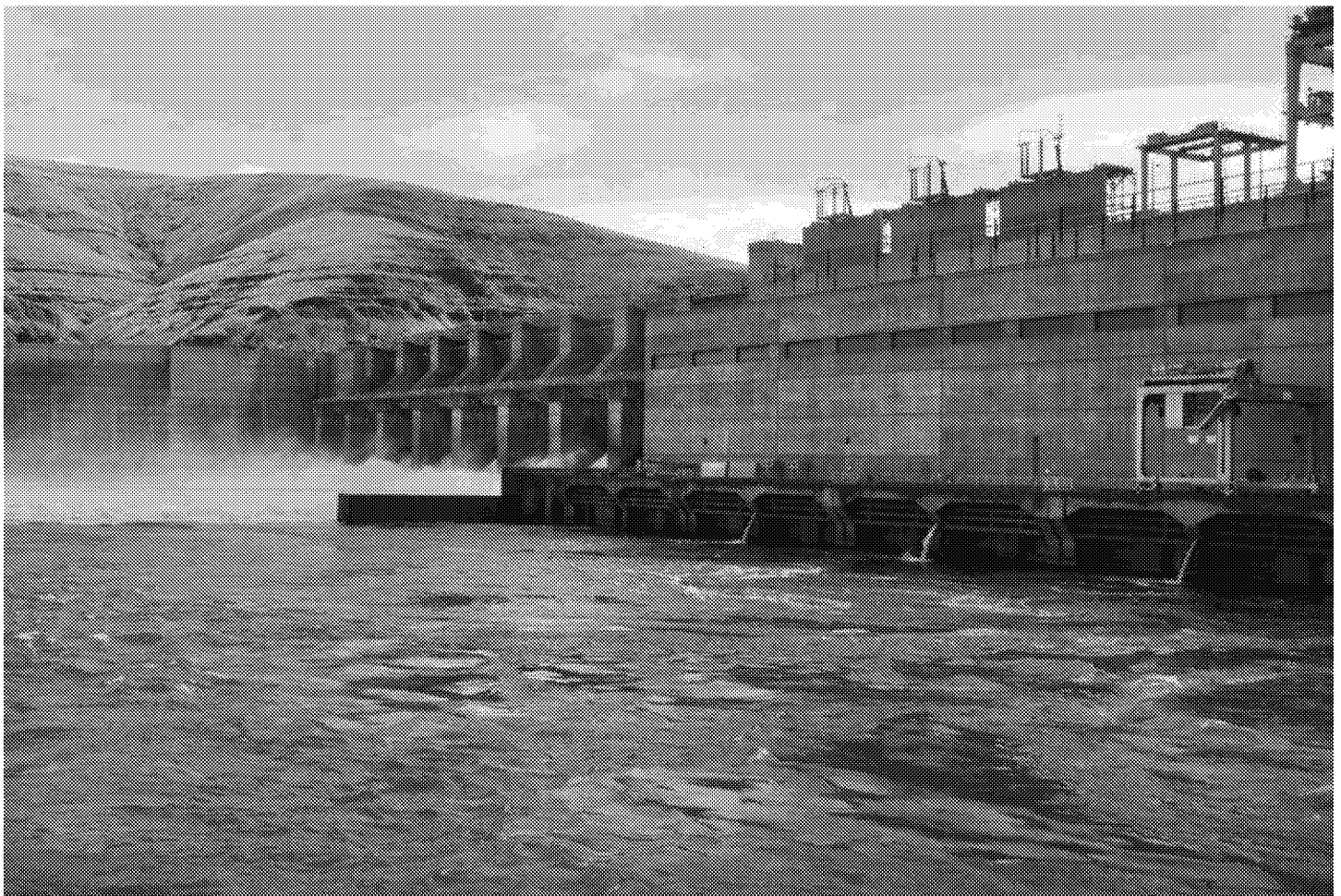
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FYI the narrative

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EPA ices Washington state's effort to regulate hot water in Columbia, Snake rivers

Lynda V. Mapes Originally published February 6, 2019 at 2:01 pm



Water moves through a spillway of the Lower Granite Dam on the Snake River near Almota, Whitman County. Summer temperatures in portions of the Columbia and Snake rivers are up

by 1.5 degrees Celsius since 1960, mainly due to climate change and dams. The state of Washington wants to get federal dams working toward the same water-quality standards that nonfederal dams in the state have to meet. (Nicholas K. Geranios / AP)

The EPA had issued draft permits to the state Ecology department for review, but yanked them last week -- effectively stopping the state's effort to regulate water quality at the federal dams.

A move to initiate state regulation of salmon-killing hot water in the Columbia and Snake rivers has been iced by the Trump Administration — for now.

The state Department of Ecology has initiated a public comment process on draft permits that would enable it to enforce state water-quality standards at federal dams, including temperature.

But on Friday night the U.S. Environmental Protection Agency wrote to the department to announce it is yanking the draft permits that were under review. That has the effect of stopping, at least for now, Ecology's effort to enforce its water quality standards at federal dams for the first time.

Ecology was surprised by the move and is seeking more information — and not backing down.

"I'm surprised at EPA's unusual request," said Maia Bellon, director of Ecology, in an email to the Seattle Times. "We've asked EPA to explain their motives, but I am concerned that this may signal the federal government backing away from a commitment to protect the water quality of the Columbia and Snake rivers. Washington state has no intention of abandoning our rivers and our salmon. We have no plans to halt our current public comment period."

A spokesman for EPA declined to comment.

Gov. Jay Inslee wants Ecology to stand firm. "... the governor is fully committed to partnering with Ecology to ensure both federal and state clean water standards are upheld and enforced," Tara Lee, spokeswoman for the governor wrote in an email. "The Trump Administration must do its part to protect our state's salmon and waters."

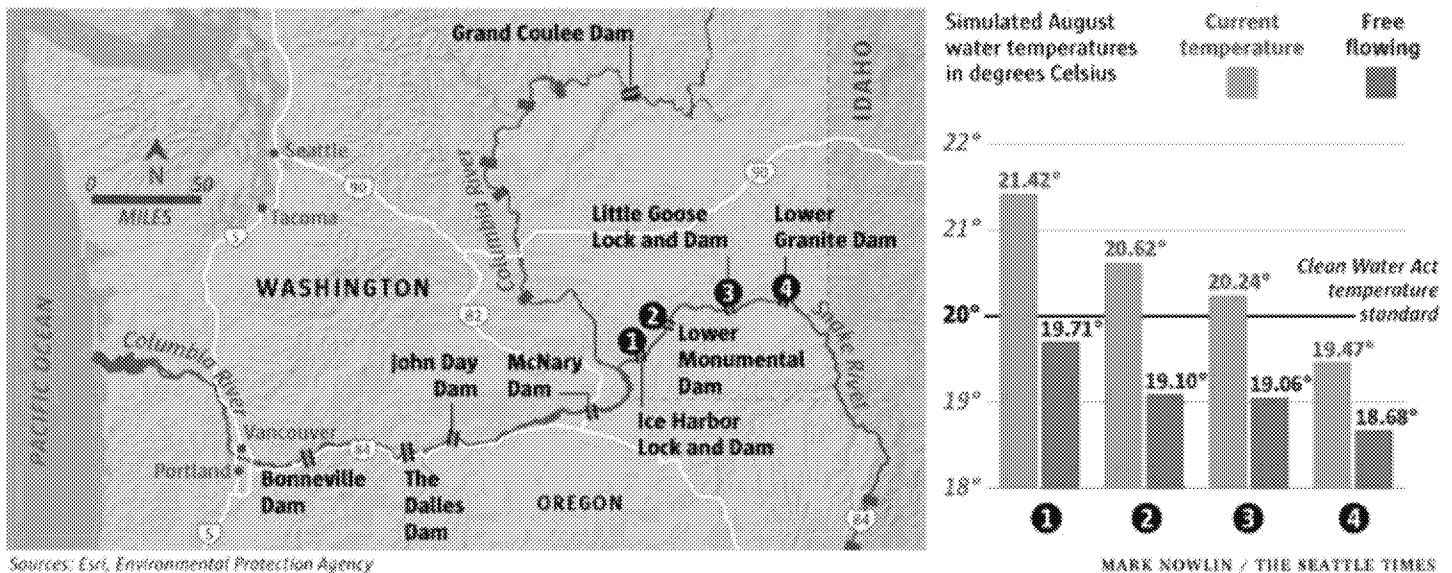
The issue first arose when the nonprofit Columbia Riverkeeper sued the U.S. Army Corps of Engineers over oil discharges into the Columbia and Snake rivers from federal dams. In a legal settlement, the Corps was required to seek pollution discharge permits from the EPA. Draft permits for nine federal dams were issued by EPA, and were before Ecology for review until last Friday night.

Under the Clean Water Act, the state has the option to invoke its authority to condition the federal permits on also meeting all of its state water quality standards. It was former Washington Attorney General and later Gov. Christine Gregoire who fought all the way to the U.S. Supreme Court to secure the state's ability under the Clean Water Act to assert the state's standards in its waters.

At stake is this situation is the state's ability to act on a range of issues that directly affect salmon survival in the Columbia and Snake, including water temperature. During the summer, both rivers in places routinely exceed the state's uppermost temperature standard of 68 degrees — often for weeks at a time. That is because of the cumulative warming caused by climate change since 1960, combined with the effects of the dams, a separate draft EPA analysis has determined.

State pursues new role at federal dams

Summer water temperatures in the Columbia and Snake rivers often exceed the uppermost standard for Washington waters under the Clean Water Act because of the combined effect of dams and climate change.



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But in a letter from Daniel Opalski, director of the EPA office of Water and Watersheds, the agency asked for return of its materials and the draft permits they support, and stated the agency would be back in touch “when we determine that a renewed request for water quality certification is appropriate.” No time frame was provided as to re-initiating the process to issue the pollution-discharge permits.

Brett VandenHeuval, executive director of Columbia Riverkeeper, said he hopes the state will stick to its guns on improving water quality in the Columbia and Snake.

“It feels like the Trump Administration is trying to bully the state of Washington, and Washington is not easily bullied,” VandenHeuval said. “They don’t like Ecology saying they are going to assert some authority and they (EPA) are taking their ball and going home.”

In her response to EPA sent Feb. 5, Heather Bartlett, manager for Ecology’s Water Quality Management program, stated Ecology is continuing its public comment process on the draft-pollution permits.

Further, she wrote, the department is not waiving its authority to condition the permits, so the state can regulate water quality standards at the dams.

What happens next is anyone’s guess, said Colleen Keltz, communication manager for Ecology’s water quality program. “This is all very unusual, and by no means following a regular process,” Keltz said. “Do they intend to come back quickly with permits or not?”

Anna Wildeman

Principal Deputy Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
202-564-5700
Wildeman.Anna@epa.gov